

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

First Named

Inventor : Eric R. Lovegren

Appeal No. ---

Appln. No. : 09/667,297

Filed : September 22, 2000

Group Art Unit: 2857

For : THRESHOLD SETTING FOR A RADAR
LEVEL TRANSMITTER

Examiner: J. West

Docket No.: R11.12-0701

APPLICANT'S RESPONSE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

This is in response to the Examiner's Answer mailed September 13, 2007 regarding the above-identified Appeal.

The Answer continues to rely upon the Reddy, III (U.S. Patent No. 5,134,377) as teaching calculating an estimated fiducial pulse amplitude as set forth in the pending claims.

Applicant respectfully notes that the cited sections of Reddy, III (col. 1, line 64 to col 2, line 2 and col. 9, lines 6-20) relate to setting a threshold level by directly measuring a fiducial pulse amplitude. There is nothing in the cited text related to calculating an estimated fiducial pulse amplitude.

The Answer argues that the threshold of Reddy, III is estimated. (Page 12 of the Answer, lines 16-19). Again, this is not the same as calculating an estimated fiducial pulse amplitude. In the invention as set forth in the pending claims, it is this calculated estimated fiducial pulse amplitude which is then used to set a threshold value.

Reddy, III simply discloses another technique for setting a threshold by taking a series of measurements and iteratively decreasing a threshold value based upon a comparison between the threshold and a measured reflected pulse. This is not the same as the present invention in which a threshold calculation module receives information related to a dielectric constants of a first and a second material and calculates an estimated fiducial pulse amplitude. Further, the addition of the Carsella reference does not overcome the shortcomings of Reddy, III with regard to calculating

an estimated fiducial pulse amplitude.

Further still, as noted previously, independent claim 17 states that the threshold calculation module further calculates an estimated first pulse amplitude. Thus, claim 17 includes calculating two estimated pulse amplitudes: an estimated fiducial pulse amplitude and an estimated first pulse amplitude. Again, this is not shown by Reddy, III, either alone or in combination with Carsella.

In general, in the Answer there seems to be some confusion regarding terminology. Reddy describes a process for SETTING a threshold value. This is improperly described as in the Answer as "estimating a threshold value". The Reddy, III reference describes a technique in which a threshold value is repeatedly reduced, "by one step . . . until a reflection is received which exceeds the threshold." (Col. 9, lines 10-15 of Reddy, III). Based upon this comparison, a threshold "up one step" is stored in memory for future use. (Col. 1, lines 1-20 of Reddy, III). This cannot be described as "estimating a threshold" in accordance with the language which is used in the Answer. This is more accurately described as setting a threshold.

One could suppose a process of "estimating" a threshold used by a device, in which an actual value of the threshold is not obtained and instead a process is used in which the device is monitored and a threshold which the device uses is "estimated." In any event, the claimed invention is not directed to threshold estimation.

In view of the above, along with the remarks sent forth in Applicant's Brief, it is believed that the final rejection should be withdrawn.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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